

David J. Kaminski (SBN: 128509)  
kaminskid@cmtlaw.com  
Tamar Gabriel (SBN: 266860)  
gabriel@cmtlaw.com  
CARLSON & MESSER LLP  
5959 W. Century Boulevard, Suite 1214  
Los Angeles, California 90045  
(310) 242-2200 Telephone  
(310) 242-2222 Facsimile

Attorneys for Defendant,  
DIVERSIFIED CONSULTANTS, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

HARRY LEBLANC,

Plaintiff,

vs.

DIVERSIFIED CONSULTANTS, INC.;  
and Does 1 to 20, INCLUSIVE,

Defendant.

CASE NO.

**NOTICE OF REMOVAL**

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant DIVERSIFIED CONSULTANTS, INC. hereby files this notice of removal  
under 28 U.S.C. §1446(a).

**INTRODUCTION**

1. Defendant is DIVERSIFIED CONSULTANTS, INC. ("Defendant"); Plaintiff is  
HARRY LEBLANC ("Plaintiff").

2. Upon information and belief, Plaintiff initially filed this case on April 17, 2014 in the Superior Court of California, County of Alameda, Case No. RG14721874. A true and correct copy of Plaintiff's Summons and Complaint is attached hereto as Exhibit "A."

3. On April 23, 2014 Defendant was personally served with the Summons and a copy of Plaintiff's Complaint.

4. As Defendant received Plaintiff's Complaint on April 23, 2014, Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b), and as extended via FRCP 6. See *Wells v. Gateways Hosp. & Mental Health Ctr.*, 1996 U.S. App. LEXIS 2287 at \*2 (9<sup>th</sup> Cir. Cal. Jan. 30, 1966).

#### **A. BASIS FOR REMOVAL**

5. Removal is proper because Plaintiff's Complaint involves a federal question. 28 U.S.C. §§1331, 1441(b); *Long v. Bando Mfg. of Am., Inc.*, 201 F.3d 754, 757-58 (6th Cir. 2000); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996). Specifically, Plaintiff has alleged claims that arise under 15 U.S.C. § 1692, *et seq.* for alleged violations of the Fair Debt Collection Practices Act and 47 U.S.C. §§ 227 *et seq.* for alleged violations of the Telephone Consumer Protection Act. It is therefore an action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(a). This Court also has supplemental jurisdiction over Plaintiff's state claims pursuant to 28 U.S.C. § 1367.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.

7. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

///

**B. JURY DEMAND**

8. Plaintiff demands a jury in the state court action. Defendant also demands a jury trial.

**C. CONCLUSION**

9. Defendant respectfully requests removal of this action as it involves a Federal question under the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* and the Telephone Consumer Protection Act, 47 U.S.C. §§ 227 *et seq.*

DATED: May 23, 2014

CARLSON & MESSER LLP

By: /s/ Tamar Gabriel  
David J. Kaminski  
Tamar Gabriel  
Attorneys for Defendant,  
DIVERSIFIED CONSULTANTS, INC.